

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: NATIONAL FOOTBALL  
PLAYERS' CONCUSSION  
INJURY LITIGATION**

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**No. 2:12-md-02323-AB  
MDL No. 2323**

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THIS DOCUMENT RELATES TO:

**CLIFTON SMITH, JR.,** Plaintiff

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**PETITION TO ESTABLISH ATTORNEY'S LIEN**

NOW INTO COURT, come the Petitioners, Derriel C. McCorvey, McCORVEY LAW, LLC, The Singleton Law Firm, Andrus Hood & Wagstaff and Mike Espy, PLC ("Attorneys"), pursuant to La. R.S. 37:218, et seq. and La. R.S. 9:5001, et seq. and state as follows:

- (1) The Petitioner Derriel C. McCorvey is an attorney at law admitted to practice before this Court and files this Petition to establish his lien for attorney's fees as set forth hereinafter.
- (2) On or about March 30, 2015, Petitioners were retained and employed by the plaintiff Clifton Smith, Jr., pursuant to a contingent fee agreement, to pursue a claim for injuries and damages related thereto possibly caused by the National Football League and all other responsible parties' liability for former and/or retired NFL players' long-term brain injuries and other head injuries and damages associated with football-related concussions, head and brain injuries.
- (3) The specifics of the contingent fee agreement are as follows: The "Attorneys" will represent you in this matter on a contingent basis. To the maximum extent permitted

by law, you will have no responsibility for our legal fees or any reasonable out-of-pocket expenses we incur in the scope of this representation if we are not successful in recovering on your behalf. In consideration of said Attorneys performing said legal services and advancing the necessary costs and expenses required to prosecute said Claim to a proper conclusion, I do hereby agree to pay the “ATTORNEYS”, LLC, 33 1/3% of any sums recovered on your behalf in this matter.

- (4) When Petitioners entered into contract with Plaintiff, they entered into the risk and expense of the litigation before any settlement discussion had been held.
- (5) From the date the Petitioners were authorized to proceed on behalf of the Plaintiff, the Petitioners have actively and diligently applied themselves to the investigation, preparation, and pursuit of Plaintiff's claims, and have taken all steps necessary to prosecute those claims.
- (6) Throughout this litigation, Petitioner Derriel C. McCorvey has served and continues to serve on the Plaintiff Steering Committee, all of which has inured to the Plaintiff's benefit with Attorney's representation.
- (7) The Plaintiff has discharged the Petitioners as his attorneys in this matter.
- (8) The Petitioners were not terminated by the Plaintiff for cause, and the termination was not due to any malfeasance or other improper action on the part of the Petitioners.
- (9) The Petitioners claim the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiff in this action.

WHEREFORE, the Petitioners pray:

- (1) That their attorney's lien be determined;
- (2) That the amount of the lien be established;
- (3) That the Court order that the Petitioners be entitled to enforce their attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiff any sums of money until said lien has been satisfied;
- (5) For such other and further relief as this Court deems just.

Dated: November 8, 2017

Respectfully Submitted By:

**McCORVEY LAW, LLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2017 I electronically filed the foregoing *Petition to Establish Attorney's Lien* with the Clerk of the Court by using the CM/ECF system. Said document has this date been served on all counsel of record in these proceedings by CM-ECF.

/s/Derriel C. McCorvey  
DERRIEL C. MCCORVEY